



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

APPROVE

### Board of Selectmen Meeting Minutes

Monday, June 13, 2011 at 4:00 P.M.

Community Room, Town Offices, 25 Bryant Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Elizabeth Coughlin, Selectman Corliss Lambert

Member Absent: Selectman Allen Curseaden

Staff Present: Michael Gilleberto, Town Administrator, Therese Gay, Admin Assistant

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

#### **1. 4:00 PM Police Department Promotions Ceremony and Reception**

The Board welcomed everyone to the promotions ceremony and introduced the guest speakers. All went well and congratulation to officers that were promoted. Refreshments were served.

#### **2. 6:00 PM Open Regular Meeting and Pledge of Allegiance**

The Chairman called the meeting to order; the pledge of allegiance was said. The Clerk read the agenda and the Board was introduced.

#### **3. Old Business**

##### **• Designate Selectman for Animal Control RFP review**

The Board voted to designate a member to review the Animal Control RFP with the Administrator. The Chairman asked for a member to volunteer, Selectman Lambert voiced his interest in serving as the board's designee. The Board voted 4-0 on a motion by Selectman Jackson, second by Selectwoman Coughlin to designate Selectman Corliss Lambert as the Selectmen's designee to review the Animal Control RFP.

#### **4. New Business**

##### **• Amend Weekday & Sunday Entertainment Permit Request/Smokey Bones Bar & Fire Grill, 431 Middlesex Road**

The request from Smokey Bones Bar & Fire Grill was withdrawn by the Management because of the type of entertainment they requested was a license given by the State Lottery Commission. The Board voted 4-0 to deny the request to add Bingo to the entertainment license.

##### **• New License Request Common Victualler/Golden Bowl Chinese & Thai Cuisine, 130 Middlesex Road.**

Mr. Lin came before the Board to request a common victualler license for the new restaurant that is opening in July. The restaurant will feature Chinese and Thai Cuisine at 130 Middlesex Road. The hours of operation will be Monday through Thursday 11AM to 10PM and Friday and Saturday 11AM to 10:30 PM, Sunday 12 Noon to 10PM. The Board voted 4-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert to grant the Common Victualler License to Wey Lin for the Golden Bowl Chinese & Thai Cuisine Restaurant.

## **5. 7:00 P.M. Alcoholic Beverage License Hearing: Transfer of Partnership**

### **• Carrabba's Italian Grill, 386 Middlesex Road**

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to open the hearing. The Clerk read the hearing notice, the Board voted 4-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert to waive the reading of the abutters. The Board welcomed Attorney Damarcus and the Manager of record Kim. Atty. Damarcus presented the request for a change in ownership. The ownership no longer under the franchise; the restaurant will be under the parent company. The paperwork was forwarded to the ABCC and they have approved the transfer. The last step is to have a hearing before the Board of Selectmen for the town's approval. The Board voted 4-0 on a motion by Selectman Lambert, second by Selectman Jackson to approve the request for transfer of ownership for Carrabba's Italian Grill.

### **• Outback Steakhouse, 440 Middlesex Road**

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to open the hearing. The Clerk read the hearing notice, the Board voted 4-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert to waive the reading of the abutters. The Board welcomed Attorney Damarcus and the Manager of record Kim. Atty. Damarcus presented the request for a change in ownership. The ownership no longer under the franchise; the restaurant will be under the parent company. The paperwork was forwarded to the ABCC and they have approved the transfer. The last step is to have a hearing before the Board of Selectmen for the town's approval. The Board voted 4-0 on a motion by Selectman Lambert, second by Selectman Jackson to approve the request for transfer of ownership for the Outback Restaurant.

## **6. Citizen/Business Time – No one came forward this evening.**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

## **7. Pending Meeting Minutes**

### **• Regular Session**

#### **o May 2, 2011**

The Board voted 3-1 on a motion by Selectman Jackson, second by Selectwoman Coughlin to approve the minutes of Monday May 2, 2011 as amended. Amendment was to include the phrase "this is only a presentation" after the word System.

#### **o May 9, 2011**

The Board voted 3-1 on a motion by Selectman Jackson, second by Selectwoman Coughlin to approve the minutes of Monday May9, 2011 as presented.

## **8. Correspondence**

Correspondence is posted at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov) with approved meeting minutes, per the requirements of the Massachusetts Open Meeting Law.

The Clerk read the list of correspondence the Board has received for the week ending 6/10/2011. The correspondence discussed: The letter from a non resident Mr. Witbeck on the use of the Frost Road Park, the Board deferred action to their next meeting. The Board received two letters from the ABCC on violation of gaming at two establishments. Selectman Jackson has asked for a status report on the soundproofing on going at Thirsty's. The Building Commissioner has asked the Board appoint an alternate Plumbing and Gas Inspector and an alternate Electrical Inspector. The Board deferred the appointments to their next meeting. Selectwoman Coughlin read the notice of the going away luncheon for the retiring Council on Aging Director. The ABCC has created a new license allowing the sale of alcohol at farmers markets. The Hydro Electric plant has sent notice that the river is in a drop down mode to allow for work to be done on the river.

The Board voted 4-0 on a motion by Selectwoman Coughlin, second by Selectman Lambert to accept the correspondence as read.

## **9. Selectmen's Reports**

- Selectman Reault – Northern Middlesex Council Of Government

Have also attended the Tom Sawyer production and also found it a great production. The Pawtucket Blvd relocation construction has begun. Everyone should expect delays, the public safety office and the officers are working to lessen them. A reminder that tomorrow is Flag Day.

- Selectman Jackson – Insurance Committee/Meeting Minute Status

The Insurance Committee has explored all alternatives and has run its course there will be a preliminary report and a final report sent to the Selectmen and the School Committee. Have attended the dance recital at Dance Expressions the dances put on a great performance, also attended the Town Sawyer production a great show.

- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Insp/Utilities

All energy programs are on going, we have a consultant on site review for the photovoltaic program. The solar compactors have been installed at three locations; they were given to the town for the green community incentive.

- Selectman Curseaden – No report this evening.

• Selectman Lambert – Attended a MMA seminar and the Dept. of Revenue session on overrides caught his attention, and also the session of how to perform better as a selectman on laws and budget and the presentation of town meeting. It was a good and informative session.

## **10. Town Administrator's Reports**

- Other

The Administrator met with the Town Treasurer and the Town Accountant to finalize the FY2012 budget. Scribner Road paving is done. NMCOG has asked for a letter of support for the initiative with Nashua at exit 36. The Promotional Ceremony went well and thanked everyone who assisted in the event.

## **11. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Litigation

The Board voted on a motion by Selectman Jackson, second by Selectman Lambert to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations as an open meeting may have a detrimental effect on such subject matters and to return to open session only to adjourn. Roll Call Vote: Selectman Lambert, yes; Selectwoman Coughlin, yes; Selectman Jackson, yes; Selectman Reault, yes. The Board entered into executive session at 7:15 P.M.

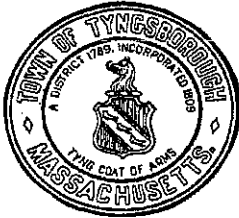
## **12. Adjournment**

The Board voted unanimously on a motion by Selectman Lambert, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 9:05 P.M.

Respectfully Submitted

Therese Gay

Approved on Monday July 11, 2011



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- 2. Recess**
- 3. 6:00 PM Open Regular Meeting and Pledge of Allegiance**
- 4. Old Business**
  - **Designate Selectman for Animal Control RFP review**
- 5. New Business**
  - **Amend Weekday & Sunday Entertainment Permit Request/Smokey Bones Bar & Fire Grill, 431 Middlesex Road**
  - **New License Request Common Victualler/Golden Bowl Chinese & Thai Cuisine, 130 Middlesex Road.**
- 6. 7:00 P.M. Alcoholic Beverage License Hearing: Transfer of Partnership**
  - **Carrabba's Italian Grill, 386 Middlesex Road**
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- 8. Pending Meeting Minutes**
  - **Regular Session**
    - **May 2, 2011**
    - **May 9, 2011**
    -
- 9. Correspondence**

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**10. Selectmen's Reports**

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- Selectman Reault – Northern Middlesex Council Of Government
- Selectman Jackson – Insurance Committee/Meeting Minute Status
- Selectman Curseaden –
- Selectman Lambert -

**11. Town Administrator's Reports**

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

**12. Executive Session**

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- Collective Bargaining
- Litigation

**13. Adjournment**

**Future Meetings**

**Selectmen's Meeting, Monday, June 27, 2011 at 6:00 PM at the Town Offices**

**\*\* July 4, 2011 Independence Day Holiday – Town Hall Offices Closed\*\***

**Selectmen's Meeting, Monday, July 11, 2011 at 6:00 PM at the Town Offices**

**Selectmen's Meeting, Monday, July 25, 2011 at 6:00 PM at the Town Offices**

# Board of Selectmen Correspondence - Week of June 10, 2011

Date	Author	Subject	In Packet?
6/10/2011	COA	Invitation	6/10/2011
10-Jun-11	ABCC	Advisory	6/10/2011
8-Jun-11	Tyngsboro Sportsmen club	Request	6/10/2011
9-Jun-11	Local Election Review Commission	Meeting Notice	6/10/2011
8-Jun-11	Mr. Whitbeck	Request	6/10/2011
8-Jun-11	Special Legal Counsel	Update Request	6/10/2011
6-Jun-11	Board of Assessors	Resignation Letter	6/10/2011
7-Jun-11	NMCOG	Review	6/10/2011
2-Jun-11	Boott Hydropwer Inc.	Notification	6/10/2011
2-Jun-11	Building Commissioner	Violation Notice	6/10/2011
3-Jun-11	Donnegan Systems	Info	6/10/2011
1-Jun-11	Housing Authority	Info	6/10/2011
31-May-11	Police Dept.	Resignation Letter	6/10/2011
31-May-11	ABCC Notice of Hearing	Violation Notice	6/10/2011
31-May-11	ABCC Notice of Hearing	Violation Notice	6/10/2011
31-May-11	MILA	Info	6/10/2011
31-May-11	CEI	Info	6/10/2011
7-Jun-11	Animal Inspector	RE Dog Bite	6/10/2011
6-Jun-11	Building Commissioner	Criminal Violation Notice	6/10/2011
6-Jun-11	Building Commissioner	Request Appointment	6/10/2011
6/6/2011	Planning Board	Info	6/10/2011
3-Jun-11	Town Treasurer	RE Health Insurance	6/10/2011
6/3/2011	ComCast	Info	6/10/2011
6/10/2011	NMCOG	Meeting Notice	6/10/2011
6/10/2011	Conservation Commission	Meeting Notice	6/10/2011
6/10/2011	Atty Monahan	Letter	6/10/2011
6/10/2011	Town Counsel	Monthly Report	6/10/2011